

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

October 25, 2012

5:30 P.M.

MINUTES

Present: Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

Absent: Mayor Donald Kasprzak

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on October 18, 2012 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending October 24, 2012 in the amount of \$ 272,175.16 are authorized and allowed and Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Carpenter; Seconded by Councilor Case

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of October 18 – October 24, 2012
- Report from the Building Inspector's Office from October 16 – October 22, 2012
- Statements of cash receipts from the Library from October 1 – October 9, 2012
- Finance Department Statement of Revenue and Expenditures for the month of September 2012

RESOLVED: That the reports as listed are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Rabideau

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council in the amount of \$ 934,959.04 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Rabideau
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL:

Chris Bleaux AFSCME President said I made some comments 2 weeks ago on the 11th I don't want to go through that again. I wanted to start with a question if I could. It's my understanding that the public forum and the vote is going to be held for the imposed contract for AFSCME on the 1st and is that the way it's set up at this point on the first of November?

Councilor Calnon said yes. Let me just explain for everyone's clarification. The law requires that we have a hearing before the legislative body which the Common Council is. At which point a representative for the City will make a recommendation and make comments about what the options are and why. Actually the Union is allowed to make a similar presentation. So yes you are invited to speak to us as formally as you want to that night.

Chris Bleaux AFSCME President said and then you'll vote on the imposed contract on the 1st.

Councilor Calnon said yes.

Chris Bleaux AFSCME President said AFSCME employees have not received a wage adjustment for over 40 months but they still do their jobs and they do it to the best of their ability. There are new duties that are required in the last few years that we do without any complaint. A lot of them require training and retraining certifications such as asbestos, issues that we have to deal with now with the base. And the water licenses we have to maintain with the water work that we do in the system. Once we take on a new task we always try to make things better and safer. In other words we just try to do the best we can. It's been 40 months no wage adjustments and when you do vote on an imposed contract for 2009 to 2010 with the recommendation of a zero I feel that's not the right way to treat the AFSCME employees. To me the right way would be to negotiate a fair contract. We've made concessions on health care. We've made concessions on health care in to retirement. And we've made concessions on wages and on the lesser issues as well. And to continue talks so we can reach a settlement that we can all live with. We also realize there is a bigger picture here and we will do the best that we can to continue to talk and to try and come to an agreement.

Cathy Fitzgerald from Xtreme Combat said I'm here with some members of Plattsburgh Combat Sports. We are looking for approval to use the Crete Civic Center to do n some Mixed Martial Art Shows. We just

wanted to answer questions specific to the Mixed Martial Art Show. It is legal in New York State to do amateur fights. We follow all kinds of safety guidelines even though we're not required and it's not sanctioned at this time. We have emergency personnel there we have law enforcement. Pretty much anything that would be required we would be able to provide as far as ensuring that there is a safe environment. I included some copies of posters of other events that are going on in New York State. As well as some articles about the safety and comparing other types of sport like boxing and things. Is there any questions about anything we sent out or anything specific to the events?

Councilor Calnon said actually this is the portion of the meeting where someone can address the Council and it's not one that we generally have an exchange in. I assume that you'll be here when we get to that particular item later on the agenda and if we have questions at that point we'll be happy to ask.

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves and accepts the Redistricting Commission's Ward designations for 2013.

By Councilor Jackson; Seconded by Councilor Carpenter
Discussion:

Councilor Carpenter said I'd just like to say I think these guys did an awesome job. I'm pretty happy with the way it came out.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves MLD to write-off unpaid final bills from August 1, 2011 to August 31, 2011 in the total amount of \$2,632. The percentage of write-offs for this period is .27%.

By Councilor Jackson; Seconded by Councilor Case
Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to adjust the 2012 General Fund and Debt Service Budgets by \$9,512.41 for unbudgeted debt service costs for the NYS EFC bond funding established to pay for the Akey Landfill remediation. The adjustment will require Contingency funds to be used for the General Fund increased debt service appropriation but will not increase the 2012 General Fund Budget.

By Councilor Rabideau; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves one Police Officer to attend “NIJ Rural Law Enforcement Technology Institute” in Annapolis, MD from October 28 – November 2, 2012 there will be no cost to the City as the training is covered by the National Institute for Justice.

By Councilor Carpenter; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. The Regular Common Council meeting scheduled for Thursday, November 22, 2012 will be changed due to Thanksgiving Holiday to Tuesday, November 20, 2012 beginning at 5:30 pm. The work session will begin at 5 pm.
2. Request from Cathy Fitzgerald of Xtreme Combat to hold amateur Mixed Martial Arts competitions at the Crete Civic Center on February 16th, 2013 and May 11, 2013.

Councilor Carpenter said I received the packet but didn't get a chance to read it yet is there contact information in case I have any questions.

Cathy Fitzgerald of Xtreme Combat said yes.

Councilor Rabideau said I notice our City Attorney is not here tonight. I have nothing against this in fact I might be interested in going to see it. I would be concerned about is there any effect on our insurance. Is there any legality that we can pass by our City Attorney since he is not sitting here for me to ask him that could be addressed or no need to address? In other words just pass it through his office.

Councilor Calnon said we will get an opinion from him.

Councilor Tiffer said you had mentioned about law enforcement. Who would be covering their labor costs?

Cathy Fitzgerald of Xtreme Combat said we would.

Councilor Tiffer said so you would be reimbursing the city I'm assuming?

Cathy Fitzgerald of Xtreme Combat said we've always from other states been billed directly from the police department so however they want to handle it.

Councilor Case said how do you figure the number of officers you need by the number of tickets you sold totally?

Cathy Fitzgerald of Xtreme Combat said usually it is a requirement that's given to us by a particular venue. It depends on the size of the venue and the expectations of how many people are going to show up. Typically we don't have a huge number of presale tickets. More often than not we sell more at the door so it's kind of hard to determine up front how many people we are going to have. We usually have 2 officers and we also have our own security people and we've never had an issue. In that packet I did give you some references from other places we've done shows.

Councilor Case said your own security officers and I wish our Counsel was here, legally who are they responsible to, you?

Cathy Fitzgerald of Xtreme Combat said yes.

Councilor Case said and they're covered under your liability insurance?

Cathy Fitzgerald of Xtreme Combat said yes we carry a separate liability policy for every show that we do which covers us and also the venue. The City of Plattsburgh would be named as secondary insured or something on our policy.

Councilor Case said is alcohol served?

Cathy Fitzgerald of Xtreme Combat said it changes from venue to venue but typically we haven't had any alcohol. Its more things to go through obviously with that and more issues that can arise because of it so we haven't. It depends on the particular venue and what's involved with getting a liquor license but thus far we haven't had it.

Councilor Case said now I'm not sure you can answer this question. But is there any data out there on the long term effects about extreme fighting on the health of the individuals?

Cathy Fitzgerald of Xtreme Combat said there probably is. Again I enclosed some articles about the health risks of mixed martial arts. It's far less than boxing and a lot of other things that are out there. I don't know if Jay or one of the other guys can touch on that too.

Councilor Case said I didn't get a chance to read your mail but I will.

Cathy Fitzgerald of Xtreme Combat said there's plenty out there if you search for it.

Jay Bleeker of Plattsburgh Combat Sports said I played for the Plattsburgh North Stars for about 8 years. In that time, I tore my ACL twice, sprained ankles, broken fingers, broken toes loved them to death couldn't keep up with them anymore. Just the injuries were piling up. Whereas I still needed an activity so I switched over and joined the Plattsburgh Combat Sports. One of the things I found is that there's several things built in to help make it a safer thing for people to do. For example, if I find myself in a position where I'm going to be injured if I continue to fight I can tap the fight immediately ends. I lost but I'm not hurt. Whereas in football the first big contrast is it's not a one to one. You can be engaged with somebody and 2 people come in to the side and your legs taken out. That doesn't happen in mixed martial arts. So I've trained for the last year relatively injury free except for some mat burn or something like that. As opposed to when I played football for the Northstars which was just last year, the year they decided not to go to the championship game I'll note, I couldn't stay healthy.

Councilor Case said just one more question. Why do you need 2 days to make it profitable, to insure your profitability or?

Cathy Fitzgerald of Xtreme Combat said well originally we had requested the May date and then as we just kind of got more excited and amped up about it and the guys talking to them about having a show here we just didn't want to put it off for another 6 months. Because people were really excited about having a show here so we ended up putting in for the February date and kept the other one on there. I personally my promotion does shows just about every month throughout Vermont there's just that much of a market for it. And these guys just really have a big following they have a lot of support in the community and so we put 2 on there so I think there 3 months apart.

Councilor Case said Steve what is your opinion on this?

Steve Peters Recreation Superintendent said we've had similar events in the Crete before with Uncle Sam boxing running a couple years in a row out there and so we're going to treat it like that. With specific checks and balances like law enforcement. I had called, as per the Mayor's direction, a couple of places like Saratoga Civic Center. That facility operator was nothing but positive about this type of event, but, just making sure there's bag checks and no one's bringing in alcohol or something that can really contribute to the main behaviors of the crowd that was what he was more concerned with then the actual activity itself and I kind of second that thinking. So I've already talked to Cathy about making sure there's law enforcement and those checks in place and we've got insurance and the city is well protected and we should be able to handle it without a problem.

Councilor Case said this may seem like a really foolish question but do you have to use metal detectors?

Cathy Fitzgerald of Xtreme Combat said no we never no.

Councilor Case said did you do the show in Saratoga?

Cathy Fitzgerald of Xtreme Combat said no.

Councilor Rabideau said you mentioned you have your own security people. In New York State private security officers have certifications from the State of New York. Do you know if these people are certified to know what the law is and what they can do and can't do?

Cathy Fitzgerald of Xtreme Combat said they're not no.

Councilor Rabideau said they're staff people and their functions are limited to what they can do.

Cathy Fitzgerald of Xtreme Combat said right and we've never had an issue. I think I've done 8 shows so far we've never had an issue never had to put hands on anybody. We did have at one point somebody coming in that we suspected was going out to their car to kind of fill their drink and it was addressed and they immediately threw it away and continued and there was never any issue.

Councilor Rabideau said if you have the police there might I suggest you could involve police on anything that involves approaching somebody. But that's only a suggestion.

Cathy Fitzgerald of Xtreme Combat said yes right.

Councilor Calnon said and have you had conversations with the police department about this yet?

Cathy Fitzgerald of Xtreme Combat said not here no not yet this was our initial step before we do that.

Councilor Tiffer said just one more question because we were talking about sales. It'd be Smooth Moves would that be correct doing concessions?

Steve Peters Recreation Superintendent said yes.

Councilor Tiffer said no one else could sell right under their contract?

Steve Peters Recreation Superintendent said there not exclusive.

Councilor Tiffer said oh there not exclusive?

Steve Peters Recreation Superintendent said no somebody else can but we don't seek that out.

3. Request from the North Country Mustang Club Inc to have a car show at the waterfront parking lot on Sunday, July 28, 2013.
4. Resolved, that the terms and conditions of employment of those employees of the City of Plattsburgh represented by AFSCME Council 66, Local 788, for the period commencing July

1, 2009 through June 30, 2010 shall be the same as set forth in the collective bargaining agreement between the parties for July 1 2004 through June 30, 2009, without any increase or decrease in any term or condition of employment.

5. Request from Bill Treacy Manager MLD that Bid No. 2012-9-1 “Electric Meters Revenue Type” be awarded to GoTToGo Electric Inc in the total amount of \$32,040.
6. Request from Bill Treacy Manager MLD for permission to advertise for bids for PMLD Bid No. 2012-10-1 “Purchase two (2) 2000 KVA 4160kV Voltage Padmount Transformers.” Bid opening date: Tuesday, November 20, 2012 at 11:00 am.
7. Request from the Community Development office for permission to advertise for housing rehab rebids for project: Houghton – 146 Miller Street.
8. Request from the City Chamberlain to create capital project H8130.58 2012 WPCP Chemical Storage to complete the item listed in the Water Pollution Control Plant section of the 2012 Capital Expenditure Plan.
9. Request from the City Chamberlain to create capital project H8320.73 2012 WFP Plant Improvements to complete the item listed in the Water Filtration Plant section of the 2012 Capital Expenditure Plan.

10. NEW BUSINESS: None

11. CLOSING PUBLIC COMMENTS: None

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

MEETING ADJOURNED: 5:50 pm